

### **REMARKS**

Claims 54-64 and 74-67 are now pending in the application. With this reply, Applicants amend claims 54 and 64, cancel claim 74, and add new claims 78-85. Upon entry of the amendments, claims 54-64 and 75-85 remain pending.

Support for the amendments is found in the specification as originally filed. Claim 54 is amended to incorporate the allowable subject matter of claim 74. Claim 64 is amended to correct a typo. New claims 78-85 depend from allowable claim 75. Applicants respectfully request entry of the amendments.

### **INFORMATION DISCLOSURE STATEMENT**

Attention is respectfully drawn to the Information Disclosure Statement filed by Applicants on September 13, 2006, i.e., one month before the Non-Final Rejection was issued. The Examiner is respectfully requested to consider the documents disclosed in the Information Disclosure Statement and return an initialed Form 1449 with the next reply.

### **REJECTION UNDER 35 U.S.C. § 102**

The rejections are repeated from the Non-Final Rejection of December 28, 2005. Claims 54-56 and 60-64 stand rejected under §102(b) as anticipated by the Bonk reference (U.S. Patent No. 6,203,868). The Examiner has taken the position that since the Bonk polyurethanes are made from polymerization of ethylene glycol, there would be at least a trace of ethylene glycol in the blend of thermoplastic urethane and EVOH copolymer. In the interest of advancing prosecution, Applicants in their Preliminary Amendment of August 1, 2006 offered claims 74-77 reciting that the composition of the claims contains at least 0.05% of the gel reducing additive up to 20%. The Examiner now has indicated that claims 74-77 contain allowable subject matter and would be allowable if rewritten in independent form including all the limitations of the base claim and the intervening claims.

With this reply, Applicants have amended rejected claim 54 to incorporate the allowable subject matter of claim 74. For this reason, Applicants respectfully submit that claim 54 and all of the claims that depend from it are now allowable under § 102 over the Bonk reference. In addition, Applicants have offered new claims 78-85 dependent from claim 75, which as indicated

by the Examiner contains allowable subject matter. Accordingly, the new claims 78-85 are also patentable over the reference.

For these reasons, Applicants respectfully request that the rejections under § 102 be withdrawn as applied to the amended claims.

#### **REJECTION UNDER 35 U.S.C. § 103**

The § 103 rejections are also repeated from the Non-Final Office Action of December 28, 2005. Claims 58 and 59 are rejected as unpatentable over Bonk (U.S. Patent No. 6,203,868) in view of Bonk (U.S. Patent No. 6,127,026). Applicants respectfully traverse the rejection as applied to the amended claims and request reconsideration.

As discussed above, Applicants have amended claim 54 to incorporate the allowable subject matter of claim 74. Applicants respectfully submit that amended claims 58 and 59 are not obvious over the combined references because Bonk '026 does not remove the deficiencies of Bonk '868 as applied to amended claim 54. Accordingly, Applicants respectfully request the rejection under § 103 be withdrawn.

#### **DOUBLE PATENTING REJECTION**

The double patenting rejection is also repeated from the Office Action of December 28, 2005. Claims 54-56 and 58-64 are provisionally rejected for non-statutory obviousness-type double patenting over claims 28-54 of co-pending Application 10/633,764 in view of Bonk (U.S. Patent No. 6,203,868). Applicants respectfully traverse the rejection as applied to the amended claims and request reconsideration.

Applicant has amended claim 54 to incorporate the allowable subject matter of claim 74. Accordingly, Applicants respectfully request the rejection for double patenting be withdrawn.

#### **NEW CLAIMS 78-85**

New claims 78-85 depend from claim 75. According to the Office Action, claim 75 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicants have amended claim 54, from which claim 75 depends, by adding the allowable subject matter of claim 74. Applicants respectfully submit that

claim 75 is allowable, as it depends from an allowable claim (amended claim 54). Since claim 75 as amended is allowable, so are new claims 78-85 which depend from claim 75.

For these reasons, Applicants respectfully request that claims 78-85 be passed to a state of allowability.

**CONCLUSION**

For the reasons discussed above, Applicants believe that claims 54-64 and claims 75-85 are in an allowable state and respectfully request an early Notice of Allowance. The Examiner is respectfully requested to consider the documents in the Information Disclosure Statement timely filed with the next reply. The Examiner is invited to telephone the undersigned if that would be helpful to resolving any issues.

Respectfully submitted,

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